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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,695	02/05/2002	George C. Jeane		9231

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EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

**Office Action Summary**

Application No.

10/068,695

Applicant(s)

JEANE, GEORGE C.

Examiner

Evan H Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1,3-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-19, and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shumate et al. (3,784,124).

Shumate shows a fishing comprising:

a frame 19 having a forward and rearward ends and two sides as seen in Figures 1 and 2;

a transversely oriented, revolvable cylindrical spool 23 mounted to the frame 19 and a recessed channel 25 for holding a length of fishing line;

a line guide 22 mounted on the frame in a fixed position forward of the spool; and

means 29 for controlling the rotation of the spool and dispensing fishing line from the channel 25 as the spool 23 rotates during casting of the a fishing lure and onto the channel of the spool during retrieval of the fishing line.

In regards to claim 3, Shumate shows the channel 25 is substantially rectangular cross-section.

In regards to claim 4, Shumate shows the vertical midpoint of the line guide 22 is positioned so as to be no lower than approximately the vertical mid-point of the of the recessed channel and no higher that approximately the top rim of the recessed channel, as seen in Figure 2.

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“  
In regards to claim 21, Shumate shows a fishing comprising:  
a frame 19 and a means for mounting the frame on a longitudinally extending fishing rod,  
as seen in Figures 1 and 2;  
a revolving cylindrical spool 23 mounted to the frame 19 and positioned so that the  
spool's axis of rotation is transverse to the longitudinally extending fishing rod and a recessed  
channel 25 of substantially rectangular cross-section, being narrow in depth and centered in the  
transverse axis;  
a ring-shaped line guide 22 mounted on the frame in a fixed position forward of the  
spool; and  
means for releasing the spool and dispensing fishing line from the channel 25 as the spool  
23 rotates during casting of the a fishing lure; and  
means 29 for coiling line onto the channel of the spool during retrieval of the fishing line.

In regards to claim 22, Shumate shows the vertical midpoint of the line guide 22 is  
positioned so as to be no lower than approximately the vertical mid-point of the of the recessed  
channel and no higher that approximately the top rim of the recessed channel, as seen in Figure  
2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 11, 13-17, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shumate et al. (US 3,784,124) in view of Zwayer et al. (US 6,070,822).

In regards to claims 5, 13, and 23, Shumate fails to show the ring guide member 22 as being substantially circular.

Zwayer teaches a ring guide member 128 being circular in shape and that is smooth to reduce friction and snaps into place, as explained in column 6 lines 66-67, and column 7, on lines 1-2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring guide of Shumate to include a circular shape as suggested by Zwayer, to reduce friction and minimize backlash.

With respect to claims 6, 11, 14, 16 and 24, Shumate as modified by Zwayer does not disclose specific values for diameter of the line guide and the width of the line channel. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill in the art to construct the diameter of the line guide in the range of about  $\frac{3}{8}$  to about  $\frac{5}{8}$  of the width of the channel (claims 6, 14 and 24), and more specifically, to make the line guide approximately  $\frac{3}{16}$  inches in diameter and the line channel approximately  $\frac{11}{32}$  inches in width (claims 11, 16).

Claims 8-10, 18, 19, 25 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shumate in view of Shakespeare (US 1,869,441).

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In regards to claims 8, 18, and 25 Shumate fails to show the ring guide member 22 as being substantially vertically extending elongate ring.

Shakespeare teaches a ring guide member 4 shaped as an elongated endless guide eye (col. 1 line 47) having an improvement over the prior art wherein the line guide eye provides a rounded wear surface to the line (col. 1 line 3-4), and press fits to the frame (col. 2 line 57-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring guide of Shumate to include a substantially vertically extending elongate ring shape as suggested by Shakespeare, to reduce friction and minimize backlash.

With respect to claims 9, 19 and 26, Shumate as modified by Shakespeare does not disclose specific values for diameter of the line guide and the width of the line channel. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill in the art to construct the diameter of the line guide in the range of about  $\frac{3}{8}$  to about  $\frac{5}{8}$  of the width of the channel, and more specifically, to make the line guide approximately  $\frac{3}{16}$  inches in diameter and the line channel approximately  $\frac{11}{32}$  inches in width.

### ***Response to Amendment***

Applicant's arguments with respect to claims 1 and 3-19 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The limitation “channel of the spool rotating during casting of a fishing lure and the channel of the spool rotating during the retrieval of the fishing lure” necessitated the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ehl

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600